

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are pending in the present application.

In the outstanding Office Action, Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato (U.S. Pat. No. 6,130,884) in view of Needham (U.S. Pat. No. 6,188,767).

The Office Action acknowledges that Sato does not teach "assigning a code associated with each base station group including more than one base station or a code associated with each network type."¹ The Office Action then asserts that Needham teaches the step of assigning a code associated with each base station group including more than one base station or a code associated with each network type.²

Applicants submit that Needham specifically discloses that a base station generates a long code using a talkgroup identifier corresponding to a group of communications units in a communication system. For example, Needham shows in Fig. 5 a base station 501 separate from a plurality of the communication units MS₁, MS₃, and MS₈ in the talkgroup 502.³

Accordingly, Needham does not teach assigning a code associated with each base station group including more than one base station, as defined in Claim 1. Indeed, Needham's communications units are distinct from the associated base station since a group call in Needham is performed among the communication units. Thus, Needham does not teach the claimed feature of assigning a code associated with each base station group including more than one base station or a code associated with each network type to which

¹ Office Action, page 3, lines 9-11.

² Id., page 3, lines 12-15.

³ Needham, column 4, lines 11-60.

the base station group belongs as the second spreading code, as defined for example in Claim 1.

Moreover, regarding the proposed combination of Sato with Needham, the Office Action states that:

It would have been obvious to one skilled in the art to modify Sato to assign a code associated with each group or network type where group includes more than one base station. One would be motivated to do so for the reason taught in Needham – in order to support a group call.⁴

However, in order to support a group call in Needham, a long code is assigned to a group of communication units. Thus, it cannot be obvious from Needham to modify Sato to assign a code associated with each group or network type where the group includes more than one base station, as asserted in the outstanding Office Action, when Needham only discloses a singular base station.

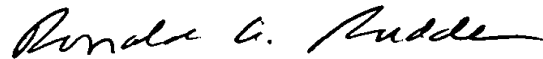
Hence, for these reasons, it is respectfully submitted that the independent Claim 1 and for similar reasons independent Claims 2-6 patentably define over the applied prior art. Thus, independent Claims 1-6, and the claims dependent therefrom, are believed to patentably define over the applied prior art.

⁴ Office Action, page 3, lines 16-20.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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